

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED AUTO WORKERS LOCAL 578,

Plaintiff,

v.

Case No. 20-C-666

OSHKOSH CORPORATION,

Defendant.

DECISION AND ORDER GRANTING 7(h) MOTION

Plaintiff United Auto Workers Local 578 (UAW) filed an action against Defendant Oshkosh Corporation seeking judicial confirmation and enforcement of an arbitral award related to the administration of Oshkosh's Accident and Sickness (A&S) benefit. The parties have fully briefed the Court on the issue of enforcement and a decision is pending. The matter is before the Court on UAW's expedited motion under Civil Local Rule 7(h) to supplement the record with newly discovered evidence. Dkt. No. 44. UAW has also filed a motion to restrict the associated filings. Dkt. No. 43.

UAW seeks to supplement the record with a declaration from a member who sought an A&S benefit in February 2021, only to be asked to provide information that was not related to his claim, in violation of the arbitral award. Oshkosh acknowledges that it provided the member with an authorization form seeking such information but asserts that it was an error that has since been corrected. Oshkosh also asserts that it "has once again instructed Cigna to use only the revised claim forms for all bargaining unit employee A&S claims." Def.'s Resp. Br. at 3, Dkt. No. 48.

The briefs, declarations, and exhibits already in the record provide sufficient information for the Court to decide the matter of enforcement. However, although Oshkosh has explained its view of the supplemental evidence, it does not actively oppose the motion to supplement. Therefore, the 7(h) motion (Dkt. No. 44) will be **GRANTED**. The motion to restrict the expedited motion and its associated affidavits (Dkt. No. 43) is also **GRANTED**.

SO ORDERED at Green Bay, Wisconsin this 7th day of July, 2021.

s/ William C. Griesbach
William C. Griesbach
United States District Judge